IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

OP.No. 31266 of 2001(V)

PETITIONERS:

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1. N.M.SUDHANAN,
NEDUMPARAMBIL VEEDU,
NATTAKAM.P.O.,
KOTTAYAM.

2. VIJAYAN.K.K,
KARATTILLATH VEEDU,
AYARKUNNAM.P.O.,
KOTTAYAM.

3. MARKOSE.T.M,
THEKKANAKATH VEEDU,
COLLECTORATE P.O.,
KOTTAYAM.

4. ANTONY THOMAS,
PALLIKUNNEL VEEDU,
RAILWAY STATION,
KOTTAYAM.

5. T.A.SHAJI,
THURUTHIKKERIYIL VEEDU,
S.H.M.P.O.,
KOTTAYAM.

6. K.S.JAYAPRAKASH,
KILIPPARAMBIL VEEDU,
CHANNANIKADU.P.O.,
KOTTAYAM.

7. SHAMSUDHEEN.K.E.
NADUVILEKUTT,
KUMMANAM.P.O.,
KOTTAYAM - 35.

8. M.BHASHEER,
CHITTADIYIL VEEDU,
VELOOR P.O.,
KOTTAYAM.

9. SHAJI.S.
MADATHILPARAMBIL VEEDU,
VELOOR,
KOTTAYAM.

10. K.JAYAN CHETTIYAR,
ANJERIPARAMBIL VEEDU,
PUTHANANGADY,
KOTTAYAM.

11. M.K.DHAYALU,
MALIYIL VEEDU,
VELOOR P.O.,
KOTTAYAM.

12. T.N.DASAPPAN
VELIYATHUMALI
VELOOR P.O.,
KOTTAYAM.

13. K.K.KUNJUMON,
OTTAPURAYKKAL VEEDU,
THAZHATHANGADY P.O.,
KOTTAYAM - 5.

14. P.K.KARTHIKEYAN,
PARAPPEL VEEDU,
THIRUVARPPU P.O.,
KOTTAYAM.

15. C.K.GOPI,
CHIRAYIL VEEDU,
AYMANAM P.O.,
KOTTAYAM.

16. SURENDRAN M.C.
MENAYIPURATHU VEEDU,
NEERIKKAD,
KOTTAYAM.

17. BABY JACOB,
KARTHIKAPPALLIYIL,
VADAVATHUR P.O.,
KOTTAYAM.

18. BENNY MATHEW,
NALUPLAKKAL VEEDU,
KUROPPADA P.O.
KOTTAYAM.

19. BIJU.E.G.,
THAZHATHE VEEDU,
PUTHUPPALLY P.O.,
KOTTAYAM.
20. PRASAD M.K.,
MALAYAYKKAL CHIRA,
CHALUKUNNU,
KOTTAYAM.

21. MOHANDAS R.
PARUTHIKUZHIYIL
S.H.M. P.O.,
NATTASSERY
KOTTAYAM.

22. K.S.SHAJI,
KUNNEL VEEDU,
KEEZHKUNNU.P.O.
KOTTAYAM.

23. M.N.VENUGOPAL,
ANJERIPARAMBIL VEEDU
PUTHANANGADY
KOTTAYAM.

24. K.R.SOMAN,
KONNAPPALLIL VEEDU,
PUTHANANGADY
KOTTAYAM.

25. PRADEEP.K.P.
KALATHIL HOUSE,
KARAPPUZHA.P.O.,
KOTTAYAM.

26. JOHN.P.A.
PURAVANTHANAM VEEDU,
MANARKADU.P.O.,
KOTTAYAM.

27. VARGHESE C.J.,
CHIRAYIL VEEDU,
AMALAGIRI.P.O.,
KOTTAYAM.

28. LALAN.A.R.,
ADIVAKKAL HOUSE,
KANJIRAM P.O.,
KOTTAYAM.

29. VIJAYAPPAN.P.K.
KAVUKATT HOUSE,
VELOOR (PO)
KOTTAYAM - 3.

30. GOPIDAS.P.R.
PONNATTUCHIRA
AYMANAM.P.O.,
KOTTAYAM.

31. OMANAKUTTAN K.R.
KOLLAMATHRA HOUSE,
VELOOR P.O.,
KOTTAYAM - 3.

32. M.RAMAKRISHNAN,
HOUSE NO.11,
MULLAMKUZHY,
NETHAJI NAGAR.

33. JOHNSON K.J.,
KUTHUKALLUNKAL
KUZHIMATTAM P.O.
PARUTHUMPARA.

34. SAID MUHAMMED
EZHUTHUPPALLIYIL
KUMMANAM.P.O.
KOTTAYAM.

35. K.K.ABDUL RAHIM
PURAKKADAMALI
VELOOR P.O.,
KOTTAYAM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:
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1. KOTTAYAM MUNICIPALITY REPRESENTED BY
THE SECRETARY, KOTTAYAM MUNICIPALITY,
KOTTAYAM.

2. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT,
LOCAL ADMINISTRATION
DEPARTMENT SECRETARIATE, THIRUVANANTHAPURAM.

3. THE MUNICIPAL COUNCIL KOTTAYAM REPRESENTED
BY THE CHAIRMAN, KOTTAYAM MUNICIPALITY.

4. CHARLY.P.G., PONNAM PURACKAL, KEEZHUKUNNU, KOTTAYAM.

5. JAMES THOMAS, CHERUVALLIPARAMBIL, KARTHAS.P. THELLAKOM, KOTTAYAM.

6. VIJAYAN K.K., PRASAD BHAVAN, PUSHYA SEMINARY CHUNGAM, KOTTAYAM.

7. SHAJI M.MALAKAMATTOM (HARUVIL) KEEZHUKUNNU, KOTTAYAM-686 002.

8. DANIEL DEVASIA, VAZHAKALAYIL, COLLECTORATE P.O., KOTTAYAM.

9. REJIMON K.R. KUNNEPARAMBIL, COLLECTORATE P.O., KOTTAYAM.

10. SHAJI P.R., PUTHEN PARAMBIL, MUTTAMBALAM P.O., KOCHUVELIKUNNU, KANJIKUZHY, KOTTAYAM.

11. ASHOK R., KUNNEPARAMBIL, COLLECTORATE P.O., KOTTAYAM.

12. ANIL KUMAR K.P., KUNNEPARAMBIL, COLLECTORATE P.O., KOTTAYAM.

13. FRANCIS VARKEY, THEKKETHUNDATHIL, COLLECTORATE P.O., KOTTAYAM.

14. MANUEL.P.A., PARACKAL HOUSE, THOTTATHIL MATTOM, MUTTAMBALAM P.O, KOTTAYAM.

15. SABU.V.J., PALAYAMKOTT HOUSE, AMBEDKAR NAGAR, COLLECTORATE P.O, KOTTAYAM.

16. BINUMON P. BENNY, VAZHAPARAMBIL, S.H.M. P.O., NAGAMBADOM, KOTTAYAM.

17. SIVANANDAN V.R., HOUSE NO.10, SANTHIGRAM, VADAVATHOOR P.O., KOTTAYAM.

18. ANISH KUMAR, HOUSE NO.3, SANTHIGRAM, VADAVATHOOR P.O., KOTTAYAM.

19. RAJAN V.R. HOUSE NO.10, SANTHIGRAM, VADAVATHOOR P.O., KOTTAYAM.

20. SIVAN.V., NETHAJI NAGAR, MULLAMKUZHY, KOTTAYM.

21. GEORGE JOSEPH, KUNNEL THAZHE,
COLLECTORATE P.O., KOTTAYAM.

22. SIVA KUMAR.P., KUZHIYIL KALAYIL,
AMBEDKAR NAGAR, COLLECTORATE P.O., KOTTAYAM.

23. ASHOKAN N.K., NARAKATHARA HOUSE,
KUMARAKOM P.O., KOTTAYAM.

ADDL. 24. K.SANTHOSHKUMAR,
KUTTAKANJEERATHIL VEEDU,
AMBEDKAR NAGAR,
COLLECTORATE P.O.
KOTTAYAM DISTRICT.

(ADDITIONAL 24TH RESPONDENT IS IMPLEADED AS PER ORDER DATED 19-7-07 IN I.A. NO.5196 OF 2006)

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.
SRI.K.N.CHATHUKUTTY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.50866 OF 2001 IN OP NO.31266 OF 2001

DISMISSED.

SD/-

19/7/07. K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE GO(MS) 14/82/LDR DATED 22/4/82.

EXT. P2: COPY OF THE CIRCULAR NO.2591/MIA4/82 LA & SWD DATED 27/4/82.

EXT. P3: COPY OF THE INTERVIEW MEMO ISSUED TO THE 1ST PETITIONER DATED 23.10.99.

EXT. P4: COPY OF THE ORDER DATED 22/3/2000 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.

EXT. P5: COPY OF THE ATTENDANCE CARD ISSUED TO THE 1ST PETITIONER DURING MAY 2000.

EXT. P6: COPY OF THE ATTENDANCE CARD ISSUED TO THE 1ST PETITIONER FOR THE PERIOD AUGUST 2001.

EXT. P7: COPY OF THE PROVISIONAL SENIORITY LIST PUBLISHED BY THE 1ST RESPONDENT ON 9/10/2000.

EXT. P8: COPY OF THE CIRCULAR NO.44825/D2/99/LAD DATED 10/11/99.

EXT. P9: COPY OF THE GOVERNMENT ORDER DATED 9/8/2000.

EXT. P10: COPY OF THE GOVERNMENT ORDER DATED 29/3/2001.

EXT. P11: COPY OF THE JUDGMENT DATED 30/8/2000 IN OP NO.25599/98.

EXT. P12: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 9/1/2001.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR, J.

O.P. No. 31266 of 2001-V

Dated this the 19th day of July, 2007.

J U D G M E N T

The petitioners and respondents 4 to 23 are substitute workers, under the first respondent Municipality. The petitioners submit, they were appointed, on being sponsored by the Employment Exchange. They also point out that, the respondents 4 to 23 were appointed directly from the open market, without reference to the Employment Exchange or the public notification. So, the petitioners pray, by virtue of Ext.P10 Government Order, they are entitled to get preference, in the matter of regularization as contingent workers. So, this original petition is filed seeking appropriate reliefs, on the strength of Ext.P10.

2. Heard the learned Government Pleader and also the learned counsel for the party respondents. The point raised by the petitioners is covered by the decision of this court in W.P.(C) No.32250 of 2003. Accordingly, the Original Petition is allowed. It is declared that while absorbing the substitute workers in the post of contingent workers, the persons who are sponsored by the Employment Exchange and appointed to the post of substitute workers shall be preferred. Only thereafter, persons who are appointed directly shall be absorbed.

The Original Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS

K.BALAKRISHNAN NAIR, J.

O.P.NO.31266 OF 2001-V

JUDGMENT

DATED 19TH JULY, 2007